

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CARPENTERS' DISTRICT COUNCIL OF  
GREATER ST. LOUIS, et al.,

Plaintiffs,

**V.**

H.J. FRIERDICH & SONS, INC., et al.,

Defendants.

Case No. 4:10CV202-HEA

**ORDER**

This is an action pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1132. Plaintiffs seek an order compelling defendants to submit to a payroll audit and, thereafter, a judgment for contributions and damages owed.

Defendants were served with the summons and complaint on February 16, 2010 and have not filed an answer or otherwise entered an appearance.


Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, plaintiffs have moved this Court for an order compelling defendants to submit to an audit so that plaintiffs can determine the amounts allegedly owed.

Plaintiffs have established that defendants are party to a collective bargaining agreement with the Carpenters District Council of Greater St. Louis. The agreement requires defendants to submit contributions to the Carpenters employee benefit funds, and authorizes plaintiffs to examine the financial records of defendants to ascertain whether the required contributions were made. The only way in which plaintiffs can determine the amount owed is through such financial examination.

WHEREFORE, defendant is hereby ordered to provide to plaintiffs within thirty (30) days of the date of this Order the payroll registers and other documents needed to perform an audit for the period of May 1, 2009 to the present.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

DATE: April 26, 2010